THE HYDERABAD CITY WATER SUPPLY ACT, 1954.

No. XXX of 1954.

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*THE HYDERABAD CITY WATER SUPPLY ACT, 1954.

No. XXX of 1954.

An Act to control and regulate the supply of water by the Hyderabad City Water Works.

Whereas it is expedient to control and regulate the supply of water for purposes hereinafter appearing by the Hyderabad City Water works; Preamble.

Be it enacted in the Fifth Year of Our Republic as follows:—

1. (1) This Act may be called the Hyderabad City Water Supply Act, 1954. Short title, extent, commencement and duration.

(2) It shall extend to the whole of the area now served by the Hyderabad City Water Works.

(3) The Government may, by notification in the official Gazette, extend any or all of the provisions of this Act to any other area and on such date as may be specified in the notification.

(4) The Government may, at any time by like notification, direct that all or any of the provisions of this Act shall cease to extend to any area and on such date as may be specified in the notification; and on that date the said provisions shall cease to be in force in such area.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*a*) 'area' means such of the portions of the Hyderabad City and the Hyderabad District which are now served by the Hyderabad City Water Works and shall include such other area as the Government may, by notification in the official Gazette, include in the area to be served by the Hyderabad Water Works;

(*b*) 'authority' means the Hyderabad City Water Works Authority constituted under section 3 of this Act:

(*c*) 'consumer' means any owner or occupant of a house, building, factory, garden or open ground which is served by a pipe connection from the Hyderabad City Water Works and includes any society, association, body or group which is the owner or occupier of any such house, building, factory, garden or open ground;

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(*d*) 'department' means the Hyderabad City Water Works Department;

(*e*) 'meter' means an instrument used for measuring the amount of water supplied which is prescribed by or is acceptable to the Department;

(*f*) 'prescribed' means prescribed by rules made under this Act;

(*g*) 'rate' means the amount payable by a consumer to the Department for the water consumed from the pipe connection taken from the Hyderabad City Water Works according to the scale of charges fixed by the Authority from time to time under section 6 of this Act.

Constitution of the Hyderabad City Water Works Authority.

3. For the purposes of this Act the Minister for Public Works Department shall be the Hyderabad City Water Works Authority.

Power to order fixing of meters or disconnection of the supply of water.

4. The Authority may, by notification order—

(1) (*a*) the fixing, within such time as may be specified in the said notification, by the consumers at their own cost, of meters on all pipe connections, whether new or existing unmetered connection, within the whole of the area or a part thereof;

(*b*) the disconnection of the water supply, should any consumer fail to comply with the said order, or

(2) the fixing of meters, departmentally or otherwise, at the cost of the consumers.

power to supply water in bulk to local authorities.

5. The Dapartment may, by agreement, after previous sanction of the Authority, supply from the Hyderabad City Water Works water in bulk to any local authority on such terms and conditions as may be agreed upon between the Department and such local authority.

Power to order the collection of rate.

6. The authority may, by notification, order the collection by the Department of a rate from every consumer either according to the size of the pipe connection or, upon fixing of meters, on the quantity of water consumed as measured by the meters.

Power to fix or alter the rate.

7. This Authority may, by notification, from time to time, fix and vary the rate for metered and unmetered, filtered and unfiltered water according to the nature of the use of the water is put to whether for domestic, commercial, industrial or any other purpose, as the case may be.

Power to reduce or remit the rate.

8. The Government may, by general or special order, reduce or remit the rate in the case of religious or charitable institutions or in such other cases as may be deemed fit.

Power to levy general water tax.

9. The Government may, by notification, order the levy of general water tax, according to the rate fixed from time to time, on houses that do not have private pipe connections.

Fixing of meters.

10. The consumers shall, within the time specified in the notification under section 4 fix at their own expenses meters for all private pipe connections.

Keeping of pipes connections and meters in working order.

11. Every consumer shall maintain his pipe connections and the meter in proper working order and efficient condition so as to prevent water from running to waste. Where any consumer's pipe connections or meter is found to be not in working order, the Department shall give notice to the consumer fixing a reasonable time within which to get the same repaired and to have the meter tested by the Department on payment of the prescribed testing fees before reinstallation.

Register of meter to be evidence.

12. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Inspection of water connection.

13. (1) Any Engineer of the Department or any other officer or servant of the Department authorised by him may, at any reasonable time, enter any premises having a water connection for the purpose of inspection of the water supply system to check and ascertain any defect or misuse thereof to carry out any work or repairs or to disconnect such connection when necessary.

(2) The Department may, by written notice, require the consumer to carry out any work or repairs, provide any fittings or to remedy any defect which may be found to exist in the consumer's pipe connection or meter.

Collection of rate as arrears of land revenue.

14. (1) Any amount due to the Department on account of the rate or charges for work done or repairs carried out or, any other dues under this Act shall be a charge on the premises to which water is supplied and shall be recoverable as arrears of land revenue.

(2) Where any premises is disposed of by sale or otherwise it shall be incumbent on purchaser to obtain a clearance certificate from the Department that the rate, charges or work done or repairs carried out and all other

dues payable under this Act in respect of the premises is paid failing which the purchaser shall be liable to pay all such arrears of rate, charges or dues, if any, due in respect of the premises for the period prior to his purchasing the property. In case of his failure to pay such arrears, the Department may, in addition to the collection of the arrears disconnect the water supply.

Power to cut off private water supply or to turn off water.

15. (1) The Department may cut off water connection to any premises to which private water supply is furnished or turn off the water from such premises in any of the following cases :—

(*a*) in default of the payment of the rate, charges for work done or repairs carried out or any other dues payable in pursuance of the provisions contained in sections 4, 6, 7, 8, 9, 10 or 11 within thirty days after a notice of demand for such rate, charges or dues as has been duly presented;

(*b*) if the consumer fails to comply with any requisition made by the Department under section 11, sub-section (2) of section 13 or any other provisions under this Act or the rules made thereunder;

(*c*) if after receipt of a written notice from the Authority to refrain from so doing, the consumer—

(i) continues to use the water or permits the same to be used in contravention of any rule or condition made with regard to the use thereof; or

(ii) wilfully or negligently damages any pipe, meter or fitting within his premises.

(2) The expenses of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the consumer.

Restoration of water connection.

16. Whenever water supply is cut off for any default on the part of the consumer, the Department may restore such supply on the recovery of any dues and the payment of the prescribed reopening fee.

Conditions as to the use of water not to be contravened.

17. No person to whom water is supplied by measurement shall contravene any condition prescribed for the use of such water.

Prohibition of fraudulent or unauthorised use of water.

18. (1) No person shall fraudulently dispose of any water supplied to him by the Department.

(2) No person to whom a private supply of water is furnished shall, except when the water supplied is charged

for by measurement , permit any person who does not reside on the premises in respect of which water rate is paid to carry away water from the premises to which it is supplied.

3. No person, who does not reside on premises in respect of which water tax is paid shall carry away water from any premises to which a private supply is furnished unless in any case in which such supply is charged for by measurement, he does so with the premission of such person to whom such supply is furnished.

Prohibition of fraud in respect of meters.

19. (1) No person shall fraudulently—

(a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied;

(b) abstract or use water before it has been registered by a meter set up for duly registering the quantity of water supplied.

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently effected the same.

Prohibition of wilful or neglectful acts relating to water Works.

20. No person shall wilfully or negligently—

(a) break, damage, tamper with or open any pipe connection, lock, cock, valve, pipe work, engine, cistern or fitting appertaining to water works of the Department;

(b) flush or draw off water from any such water work thereby causing water to be wasted;

(c) do any act or suffer any act to be done whereby the water in, or derived from, the said water work is wasted;

(d) obstruct, divert or in any way injure or alter any water main or duct.

Compensation under sections 19 and 20.

21. Compensation shall be paid by the offender for any damage sustained by the Department by reason of the contravention of sections 19 and 20.

Penalty.

22. Except as otherwise provided in this Act, whoever contravenes the provisions of section 19 or 20 or any other provisions of this Act or the rules or orders made thereunder or fails to comply with any requisition lawfully made upon him under the said provisions, shall be punishable with a fine which may extend to fifty rupees.

Power to make rules.

23. (1) The Government may make rules for carrying into effect the provisions of this Act.

2. In particular and without prejudice to the generality of the foregoing power such rules may be made with regard to—

(a) the procedure relating to applications for pipe connections and the fees to be paid for such applications;

(b) the fixing of meters and the repairs thereto;

(c) the method and conditions for sending of the bills and the manner of payment of rate and other dues and the manner of payment thereof;

(d) the charges for bulk supplies made to commercial and industrial concerns or factories;

(e) fees to be charged for boring pipes and for the restoration of pipe connections.

Repeal and Savings.

24. (1) All existing Regulations and Orders pertaining to water supply by the Hyderabad City Water Works are hereby repealed.

(2) Notwithstanding such repeal any rules made, action taken or anything done under the provisions of the said Regulations and Orders shall be deemed to have been made, taken or done under this Act and all sums of money due to the Department when this Act comes into force shall be deemed to be due to the Department under the Act.